

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

HOLLIE ARNOLD  
Plaintiff,

v.

STATE FARM LLOYDS  
Defendant.

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CIVIL ACTION NO. \_\_\_\_\_

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**NOTICE OF REMOVAL**

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PLEASE TAKE NOTICE that Defendant, State Farm Lloyds, hereby removes to this Court, the State Court action described below.

**Procedural Background and Parties**

1. On or about February 8, 2017, Hollie Arnold Plaintiff's Original Petition in Cause No. 17-02-01756 in the 410<sup>th</sup> Judicial District Court of Montgomery County, Texas, initiating an action identifying State Farm Lloyds as the Defendant.

2. State Farm Lloyds received the Citation and Plaintiff's Original Petition on or about April 21, 2017. Defendant State Farm Lloyds filed an Original Answer and Request for Jury Trial, and is filing a Notice of Removal of Civil Action in the State Court action.

3. At the time this action was commenced, Plaintiff was, and still is, a citizen of Texas. Hollie Arnold is an individual residing in Montgomery County, Texas; and, thus, is a citizen of Texas.

4. Defendant State Farm was at the time this action was commenced, and still is, a citizen of Illinois. State Farm is a "Lloyd's Plan" organized under chapter 941 of the Texas Insurance Code. It consists of an unincorporated association of underwriters who were at the time this action was commenced, and still are, all citizens and residents of Illinois and Arizona, thereby making State Farm Lloyds a citizen of Illinois and Arizona for diversity purposes. See *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882-83 (5th Cir. 1993) (citizenship of unincorporated association determined by citizenship of members). Therefore, complete diversity of citizenship exists between Plaintiff and Defendant State Farm.

#### **Nature of the Suit**

5. In her Original Petition, Plaintiff alleges multiple claims and causes of action against State Farm Lloyds including breach of contract, violations of Texas Deceptive Trade Practices Act, non-compliance with Sections 541 and 542 of the Texas Insurance Code, and unfair insurance practices. Plaintiff also asserts that State Farm Lloyds breached the common law duty of good faith and fair dealing.

#### **Basis for Removal**

6. This Court has original jurisdiction under 28 U.S.C. § 1332 over this civil action, and the action may be removed by Defendant pursuant to 28 U.S.C. § 1441(b), in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs.

7. Plaintiff's Original Petition does not set forth the exact amount of damages Plaintiff seeks in this action. Plaintiff has asserted numerous claims and

causes of action against Defendant seeking not only actual damages, but also statutory damages, statutory interest and attorneys' fees. Therefore, based on information and belief, the amount in controversy in this action exceeds \$75,000.00, exclusive of interest and costs. See *Chittick v. Farmers Ins. Exchange*, 844 F. Supp. 1153, 1155-56 (S.D. Tex. 1994).

**Removal is Procedurally Correct**

8. Plaintiff filed her Original Petition on or about February 8, 2017. State Farm received the citation and Plaintiff's Original Petition on or about **April 21, 2017**. Therefore, State Farm has filed this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b). Also, this Notice of Removal is being filed less than one year after the commencement of the State Court Action.

9. Venue is proper in this district under 28 U.S.C. § 1446(a) because this district and division embrace the place in which the removed action was pending and because a substantial part of the events giving rise to the Plaintiff's claims allegedly occurred in this district.

10. Pursuant to 28 U.S.C. § 1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

11. Pursuant to Local Rule 81, all documents required by that rule to be filed with this Notice of Removal are attached and indexed.

12. Pursuant to 28 U.S.C. § 1446(d), Defendant will provide prompt written notice of the filing of this Notice of Removal to Plaintiff, and will file a notice with the Clerk of the 410th Judicial District Court for Montgomery County, Texas.

Respectfully submitted,

By: /s/ Brian M. Chandler  
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Jill D. Schein  
State Bar No. 00787476  
Federal Bar No. 18838

ATTORNEYS FOR DEFENDANT  
STATE FARM LLOYDS

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on all parties by and through their attorney(s) of record via the Court's EM/ECF system on this 17th day of May 2017.

/s/ Brian M. Chandler  
Brian M. Chandler

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**AFFIDAVIT**

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STATE OF TEXAS

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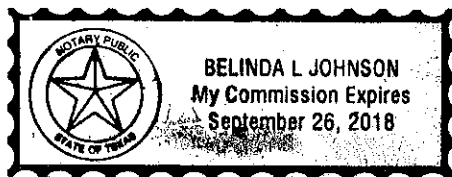
COUNTY OF HARRIS

I, RONALD P. SCHRAMM, being duly sworn, state that I am the attorney of record for STATE FARM LLOYDS in this litigation; that I have prepared and read the foregoing Notice of Removal; and, that the factual matters set forth and contained therein are to the best of my knowledge and belief true and correct.



RONALD P. SCHRAMM

SUBSCRIBED AND SWORN TO before me on this 16th day of May, 2017.



  
Notary Public in and for the State of Texas